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09/401,251	09/23/1999	CATHERINE M. KEENE	021756-047400US	4434
20350 7590 03/05/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER PHAM, HUNG Q				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/401,251

**Applicant(s)**

KEENE ET AL.

**Examiner**

HUNG Q. PHAM

**Art Unit**

2169

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the rejection under 35 U.S.C. § 102 have been fully considered but they are not persuasive.

As argued by applicant that Gervais fails to teach the amended limitation of claims 20, 27 and 34 (Remarks, Pages 10-12):

*In the scenario discussed in the Office Action, the agreement between Supplier B and enterprise A merely allocates a certain number of user slots in the Gervais system to Supplier B - this agreement is completely unrelated to handling information in a product supply chain that is confidential to enterprise A (i. e., the third business entity). Accordingly, Gervais fails to disclose "wherein the set of privileges are defined by the second business entity based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities for handling information in the product supply chain that is confidential to the one or more third business entities" as recited in amended claim 20. (Emphasis added).*

The examiner respectfully disagrees.

As taught by Gervais, resource manager is the person who has created the resource object such as sales discussion database 101<sub>1</sub> and product discussion database 104<sub>2</sub> as in FIG. 1 (Col. 6 -- Lines 28-30). As shown in FIG. 4 is the process of creating resource objects and documents by a resource manager. As shown in FIG. 5 is the view of the created resource

objects and documents of FIG. 4, wherein frame B of FIG. 5 contains a view of all the containers and resource links within the system hierarchy to which the user has access. This list of resources is user dependent. Users with access to different sets of resources will see different contents in frame B (Col. 8 -- Line 66 → Col. 9 -- Line 4). Access to the container and documents is defined implicitly or explicitly by the resource manager. Implicit access means that the group of users or managers for this entity is same as the corresponding group for the container that holds the entity. Explicit access means that a manager of the entity has specifically chosen users or managers for that entity (Col. 10 -- Lines 45-63). Example of implicit access is nested group, e.g., if "Group A" is listed among "Group B", then the members of "Group A" will have access to all documents that list "Group B" in their Reader or Author names fields (Gervais, Col. 10 Lines 34-45). As further disclosed by Gervais, the distributed registration process allows a system administrator to give a desired number of user slots to a supplier and gives the supplier access to manage these tokens. The supplier can then assign tokens to resource users by creating new usernames and passwords in the system (Col. 5 -- Lines 1-6). As shown in FIG. 10, user U2 has only access to CABINET B and user U1 has access to CABINET A, B and the resource under CABINET A.

In view of Gervais teaching, the resource object and documents are owned by the resource manager or system administrator. A supplier has an agreement regarding the number of access slots with the resource manager or system administrator, e.g., 7 as in FIG. 10. In view of FIG. 10, the supplier assigns the slots to groups of users. For example, 1 slot to a guest group represented by user U2, and 6 slots for internal group represented by user U1. The supplier then creates usernames and passwords for U1 and U2 user groups via the resource manager or system administrator for access rights. The purpose is to handle information in the

product supply chain such as the hierarchy of CABINET A that is restricted to user group represented by U2.

In short, the Gervais teaching indicates the claimed limitation *the set of privileges are defined by the second business entity*, e.g., read and write are defined by the resource manager or system administrator, *based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities*, e.g., the supplier has an agreement regarding the number of access slots with the resource manager or system administrator and provides the system administrator usernames and passwords for U1 and U2 user groups, wherein U2 has only access to CABINET B, *for handling information in the product supply chain that is confidential to the one or more third business entities*, e.g., the purpose is to handle confidential information in the product supply chain such as the hierarchy of CABINET A and should be restricted to user U2.

In view of foregoing reasons, the rejection under 35 U.S.C. § 102 is continued as in the following manners.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 20-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 20-26 direct to system comprising software per se. Software per se is not one of the four categories of invention and therefore claims 20-26 are not statutory (Software per se is

not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter).

A patentable process must (1) be tied to a particular apparatus or machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). The method of claims 27-33 is non-statutory in view of *In re Bilski*, e.g., the recited method is not tied to a particular machine or apparatus, or it transforms a particular article into a different state or thing.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 20-40 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gervais et al. [US 6,381,579 B1].**

Regarding claims 20, 27 and 34, Gervais teaches a method system and program for sharing data among a plurality of business entities involved in a product supply chain, the method, system and program comprising:

*receiving, from a user affiliated with a first business entity in the plurality of business entities, a request to access a data object in a plurality of data objects* (User are identified and authenticated with user id and password (Gervais, Col. 6 Lines 18-20). The documents in Gervais system and method have fields to determine who can read and edit the documents. The fields contain user names or collection of users, which are in Name and Address Book. If a user's name is not in the fields then that document will not appear to that user (Gervais, Col. 10 Lines 6-13). Nested group could be used to control access. If "Group A" is listed among "Group B", then the members of "Group A" will have access to all documents that list "Group B" in their Reader or Author names fields (Gervais, Col. 10 Lines 34-45)). As shown in FIG. 5, "Xspan Briefing Center" includes "AAA Supplier Network", "Project Alpha" and "Project Omega". The Gervais teaching indicates the claimed limitation *receiving, from a user affiliated with a first business entity in the plurality of business entities, a request*, e.g., a user of Group A makes a request via user ID and password, *to access a data object in a plurality of data objects*, e.g., the request is to access "Xspan Briefing Center" resource as a data object and "Xspan Briefing Center" is just one example of a plurality of other similar "Xspan Briefing Centers" as a plurality of data objects),

*wherein the data object includes a plurality of predefined data groups, and wherein the data object is owned by a second business entity in the plurality of business entities* ("Xspan Briefing Center" includes "AAA Supplier Network", "Project Alpha" and "Project Omega", and owned by the resource manager or system administrator);

*extracting from the request a user identifier that uniquely identifies the user* (Col. 10 Lines 1-5);  
*retrieving a set of privileges associated with the data object and the user identifier, the set of privileges including read privileges identifying one or more predefined data groups of the data object that the user is allowed to view* (Col. 10 Lines 6-14);

*determining, based on the read privileges, one or more predefined data groups of the data object that the user is not allowed to view* (Col. 10 Lines 6-14);

*generating a redacted version of the data object, wherein the redacted version of the data object does not include the one or more predefined data groups of the data object that the user is not allowed to view (As disclosed by Gervais, if a user's name is not in the Reader Names field of Name and Address Book, then that document will not appear to the user through an interface (Gervais, Col. 10 Lines 10-13). Thus, "Xspan Briefing Center" with the documents that will not appear is a redacted version of the data object, wherein "Xspan Briefing Center" does not include documents that the user does not have access to them); and*

*transmitting the redacted version of the data object to the user (FIG. 5).*

*wherein the set of privileges are defined by the second business entity based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities for handling information in the product supply chain that is confidential to the one or more third business entities (As taught by Gervais, resource manager is the person who has created the resource object such as sales discussion database 101<sub>1</sub> and product discussion database 104<sub>2</sub> as in FIG. 1 (Col. 6 -- Lines 28-30). As shown in FIG. 4 is the process of creating resource objects and documents by a resource manager. As shown in FIG. 5 is the view of the created resource objects and documents of FIG. 4, wherein frame B of FIG. 5 contains a view of all the containers and resource links within the system hierarchy to which the user has access. This list of resources is user dependent. Users with access to different sets of resources will see different contents in frame B (Col. 8 -- Line 66 → Col. 9 -- Line 4). Access to the container and documents is defined implicitly or explicitly by the resource manager. Implicit access means that the group of users or managers for this entity is same as the corresponding group for the container that holds the entity. Explicit access means that a manager of the entity has specifically chosen users or managers for that entity (Col. 10 -- Lines 45-63). Example of implicit access is nested group, e.g., if "Group A" is listed among "Group B", then the members of "Group A" will have access to all documents that list "Group B" in their Reader or Author names*



fields (Gervais, Col. 10 Lines 34-45). As further disclosed by Gervais, the distributed registration process allows a system administrator to give a desired number of user slots to a supplier and gives the supplier access to manage these tokens. The supplier can then assign tokens to resource users by creating new usernames and passwords in the system (Col. 5 -- Lines 1-6). As shown in FIG. 10, user U2 has only access to CABINET B and user U1 has access to CABINET A, B and the resource under CABINET A. In view of Gervais teaching, the resource object and documents are owned by the resource manager or system administrator. A supplier has an agreement regarding the number of access slots with the resource manager or system administrator, e.g., 7 as in FIG. 10. In view of FIG. 10, the supplier assigns the slots to groups of users. For example, 1 slot to a guest group represented by user U2, and 6 slots for internal group represented by user U1. The supplier then creates usernames and passwords for U1 and U2 user groups via the resource manager or system administrator for access rights. The purpose is to handle information in the product supply chain such as the hierarchy of CABINET A that is restricted to user group represented by U2. In short, the Gervais teaching indicates the claimed limitation *the set of privileges are defined by the second business entity, e.g., read and write are defined by the resource manager or system administrator, based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities, e.g.,* the supplier has an agreement regarding the number of access slots with the resource manager or system administrator and provides the system administrator usernames and passwords for U1 and U2 user groups, wherein U2 has only access to CABINET B, the purpose of defining the privileges using the slots is *for handling information in the product supply chain that is confidential to the one or more third business entities, e.g.,* the purpose is to handle confidential information in the product supply chain such as the hierarchy of CABINET A and should be restricted to user U2).

Regarding claims 20, 27 and 34, Gervais teaches a method system and program for sharing data among a plurality of business entities involved in a product supply chain, the method, system and program comprising:

*receiving, from a user affiliated with a first business entity in the plurality of business entities, a request to access a data object in a plurality of data objects* (User are identified and authenticated with user id and password (Gervais, Col. 6 Lines 18-20). The documents in Gervais system and method have fields to determine who can read and edit the documents. The fields contain user names or collection of users, which are in Name and Address Book. If a user's name is not in the fields then that document will not appear to that user (Gervais, Col. 10 Lines 6-13). Nested group could be used to control access. If "Group A" is listed among "Group B", then the members of "Group A" will have access to all documents that list "Group B" in their Reader or Author names fields (Gervais, Col. 10 Lines 34-45)). As shown in FIG. 5, "Xspan Briefing Center" includes "AAA Supplier Network", "Project Alpha" and "Project Omega". The Gervais teaching indicates the claimed limitation *receiving, from a user affiliated with a first business entity in the plurality of business entities, a request*, e.g., a user of Group A makes a request via user ID and password, *to access a data object in a plurality of data objects*, e.g., the request is to access a user of Group A requests to access to "Xspan Briefing Center" resource as *a data object* and "Xspan Briefing Center" is just one example of a plurality of other similar "Xspan Briefing Centers" as *a plurality of data objects*), *wherein the data object includes a plurality of predefined data groups, and wherein the data object is owned by a second business entity in the plurality of business entities* ("Xspan Briefing Center" includes "AAA Supplier Network", "Project Alpha" and "Project Omega", "Xspan Briefing Center" includes "AAA Supplier Network", "Project Alpha" and "Project Omega", and owned by the resource manager or system administrator); *extracting from the request a user identifier that uniquely identifies the user* (Col. 10 Lines 1-5);

*retrieving a set of privileges associated with the data object and the user identifier, the set of privileges including read privileges identifying one or more predefined data groups of the data object that the user is allowed to view* (Col. 10 Lines 6-14);

*determining, based on the read privileges, one or more predefined data groups of the data object that the user is not allowed to view* (Col. 10 Lines 6-14);

*generating a redacted version of the data object, wherein the redacted version of the data object does not include the one or more predefined data groups of the data object that the user is not allowed to view* (As disclosed by Gervais, if a user's name is not in the Reader Names field of Name and Address Book, then that document will not appear to the user through an interface (Gervais, Col. 10 Lines 10-13). Thus, "Xspan Briefing Center" with the documents that will not appear is *a redacted version of the data object*, wherein "Xspan Briefing Center" does not include documents that the user does not have access to them); and

*transmitting the redacted version of the data object to the user* (FIG. 5).

*wherein the set of privileges are defined by the second business entity based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities* (As taught by Gervais, resource manager is the person who has created the resource object such as sales discussion database 101<sub>1</sub> and product discussion database 104<sub>2</sub> as in FIG. 1 (Col. 6 -- Lines 28-30). As shown in FIG. 4 is the process of creating resource objects and documents by a resource manager. As shown in FIG. 5 is the view of the created resource objects and documents of FIG. 4, wherein frame B of FIG. 5 contains a view of all the containers and resource links within the system hierarchy to which the user has access. This list of resources is user dependent. Users with access to different sets of resources will see different contents in frame B (Col. 8 -- Line 66 → Col. 9 -- Line 4). Access to the container and documents is defined implicitly or explicitly by the resource manager. Implicit access means that the group of users or managers for this entity is same as the corresponding group for the

container that holds the entity. Explicit access means that a manager of the entity has specifically chosen users or managers for that entity (Col. 10 -- Lines 45-63). Example of implicit access is nested group, e.g., if "Group A" is listed among "Group B", then the members of "Group A" will have access to all documents that list "Group B" in their Reader or Author names fields (Gervais, Col. 10 Lines 34-45). As further disclosed by Gervais, the distributed registration process allows a system administrator to give a desired number of user slots to a supplier and gives the supplier access to manage these tokens. The supplier can then assign tokens to resource users by creating new usernames and passwords in the system (Col. 5 -- Lines 1-6). As shown in FIG. 10, user U2 has only access to CABINET B and user U1 has access to CABINET A, B and the resource under CABINET A. In view of Gervais teaching, the resource object and documents are owned by the resource manager or system administrator. A supplier has an agreement regarding the number of access slots with the resource manager or system administrator, e.g., 7 as in FIG. 10. In view of FIG. 10, the supplier assigns the slots to groups of users. For example, 1 slot to a guest group represented by user U2, and 6 slots for internal group represented by user U1. The supplier then creates usernames and passwords for U1 and U2 user groups via the resource manager or system administrator for access rights. In short, the Gervais teaching indicates the claimed limitation *the set of privileges are defined by the second business entity*, e.g., read and write are defined by the resource manager or system administrator, *based on one or more business agreements between the second business entity and one or more third business entities in the plurality of business entities*, e.g., the supplier has an agreement regarding the number of access slots with the resource manager or system administrator and provides the system administrator usernames and passwords for U1 and U2 user groups, wherein U2 has only access to CABINET B).

Gervais does not explicitly teach the purpose of the set of privileges is *for handling information in the product supply chain that is confidential to the one or more third business entities*.

However, as shown in FIG. 10, by defining the access privilege to only CABINET B for user group U2, the hierarchy of CABINET A is not access by user group U2, and, obviously, the purpose is *for handling information in the product supply chain that is confidential to the one or more third business entities*, e.g., the purpose is to handle confidential information in the product supply chain such as the hierarchy of CABINET A and should be restricted to user U2.

Regarding claims 21, 28 and 35, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 20, 27 and 34, Gervais further discloses *the plurality of predefined data groups include a group of attributes of the data object and a group of documents associated with the data object* (Gervais, FIG. 5).

Regarding claims 22, 29 and 36, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 21, 28 and 35, Gervais further discloses *the plurality of predefined data groups include a group of links to other data objects in the plurality of data objects* (Gervais, FIG. 5).

Regarding claims 23, 30 and 37, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 20, 27 and 34, Gervais further discloses *the data object includes data selected from a group consisting of: product design data, product development data, product supply chain data, business relationship data, business agreement data, bill of material data, change order data, product cost data, product specifications data, and product supplier data* (Gervais, FIG. 5).

Regarding claims 24, 31 and 38, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 20, 27 and 34, Gervais further discloses *the set of privileges includes write privileges identifying one or more predefined data groups of the data object that the user is allowed to modify* (Gervais, Col. 9 Lines 60-67 and Col. 11 Line 25-Col. 12 Line 26).

Regarding claims 25, 32 and 39, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 20, 27 and 34, Gervais further discloses *the set of privileges includes delete privileges identifying one or more predefined data groups of the data object that the user is allowed to delete* (Gervais, Col. 9 Lines 60-67 and Col. 11 Line 25-Col. 12 Line 26).

Regarding claims 26, 33 and 40, Gervais teaches all of the claimed subject matter as discussed above with respect to claims 20, 27 and 34, Gervais further discloses *the set of privileges includes a privilege that allows the user to add new data groups to the data object* (Gervais, Col. 9 Lines 60-67 and Col. 11 Line 25-Col. 12 Line 26).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES K. TRUJILLO can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q. PHAM/  
Primary Examiner, Art Unit 2169

HUNG Q. PHAM  
Primary Examiner  
Art Unit 2169

February 27, 2009